

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2649 OF 2004

Satish Sanjeeva Shetty ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Arfa Sait for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2004.

P.C.

1. Heard Counsel for the parties.

2. Mr.Gadkari, A.P.P., on instructions, states that the trial has already commenced and is likely to conclude very soon. It is common ground that the Applicant has been granted bail by the lower Court, but the Applicant could not avail of that bail, as he was unable to furnish the surety amount of Rs.20,000/- (Rupees Twenty Thousand). As

Applicant was already granted bail by the Court below and which order has not been set-aside so far, I see no propriety in entertaining fresh bail application before this Court.

3. The only grievance that remains to be considered is: whether the bail condition needs to be relaxed. Even that issue will have to be answered against the Applicant because it is brought to my notice by the learned A.P.P. that co-accused, who was released on bail on similar condition, is now absconding, which has resulted in delay of the trial. Even now, the said accused is absconding. In other words, it is not possible to reduce the condition of bail, which was granted.

4. Any observation made in this order shall not be considered as expressing any opinion on the correctness of the order granting bail, one way or the other. I am required to observe this because the State has not come up in appeal against the order granting bail.

5. As the trial is likely to conclude, as

stated by the learned A.P.P., the Trial Court will ensure that the same will be disposed of as expeditiously as possible.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.